

REMARKS

Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and these remarks. Claims 1-3, 5, 8-9,15-18, and 20-23 are pending in this application.

The Rejections

Claims 1-3, 5, 9, 15-17 were rejected under 35 U.S.C. 102(e) as being anticipated by Macri et al, U.S. Patent No. 5,890,906 (hereafter "Macri"). Claims 1, 2, 5, 8, 9, 15 and 17-22 were rejected under 35 U.S.C. 102(b) as being anticipated by Dyer et al, U.S. Patent No. 4,828,257 (hereafter "Dyer"). Applicant respectfully traverses these rejections, but has amended his claims in order to expedite the prosecution of this application. Applicant reserves the right to introduce claims of their original scope and otherwise in continuing applications without estoppel or limitation.

The Cited Art

Macri discloses a method of instruction and simulated training and competitive play or entertainment in an activity that couples cognitive and motor functions, in particular, the playing of the game of hockey. The invention includes a computer used to view and to control images of hockey players on a computer screen. An image of a hockey player controlled by the user is juxtaposed to or superimposed upon the image of an instructive, ideal or master hockey player(s). The user manipulates the controlled image of a hockey player in an effort to approximate the movements of the instructive or ideal player via an input device such as a keyboard, joystick, or virtual reality device. The invention also includes means by which the user's performance in approximating the instructive or ideal player may be measured. The user can also control an image of a hockey player on the computer screen so that the image engages in performing offensive and defensive drills in opposition to an ideal or another opponent or team.

Dyer describes a system and method for providing an exercise program at a desired pace throughout each repetition and which applies resistance against a user's

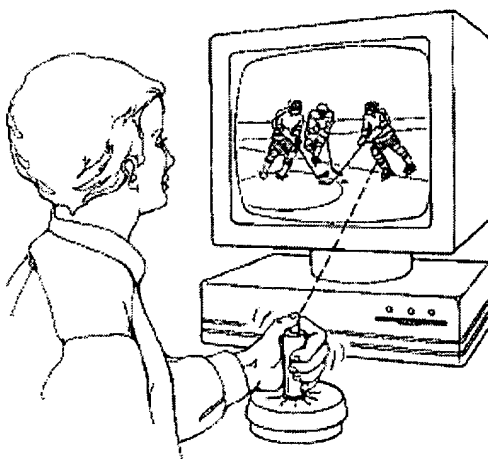
efforts based upon user performance history and user demographics. A central controller stores user demographics and performance information, and provides this information as well as program criteria and evaluations to any of a plurality of exercise stations. The exercise stations each include a magnetic brake for producing the desired resistance levels. A central processor unit (CPU) controls the exercise program at each station. The initial brake resistance is established based upon user demographic information and initial user performance of an exercise. The brake resistance is represented by lights in an LED stack simulating weights which move up and down along a run in conformity with position of a movement arm which the user moves. A pacer light moving adjacent the LED weight stack guides the user at a desired pace throughout each repetition. User performance including rate and limb extension is monitored and resistance is changed during the exercise period as performance corresponds to selected criteria. The user's performance is evaluated based on performance history and demographically-based criteria to provide coaching comments to the user and to propose changes to the exercise program. Selected educational and instructional material relevant to the particular user may also be provided. In addition, by monitoring user parameters such as weight and percent body fat, and in view of user demographic and performance information, diet control information may also be provided.

The Cited Art Distinguished

Applicant has amended independent claims 1, 15 and 18 to include embodiments wherein vocal or other audible warning is made of an impending change in a scripted virtual personal training session. By way of non-limiting example, if a change in the scripted exercise experience is about to occur, a virtual personal trainer can warn of the change. This helps the user prepare, both mentally and physically, for the anticipated change in the scripted exercise experience. The system and method then automatically changes the scripted exercise experience that was warned of by the virtual personal trainer or otherwise. See, for example, the following passage from Applicant's Specification:

The script preview would then, in a step 142, indicate something like “We are now approaching a hill. You will note an increased resistance to pedaling in a few seconds which will steadily increase until we reach the crest of the hill in about one and a half minutes.” Applicant’s specification, page 15, lines 17-20.

Neither Macri nor Dyer disclose such a combination. In fact, Macri does not teach an exercise apparatus at all. See, for example, the exemplary figure from Macri, below:



Macri is clearly and consistently directed to computer game-like simulations, such as ice hockey. The most physical the user gets is to manipulate a joystick, steering wheel or foot pedals to control the game-like simulation on a computer screen. This is not exercise equipment as claimed by Applicant.

Dyer, on the other hand, teaches a weight lifting apparatus which is provided with a video screen and vocal feedback. The overall configuration of Dyer can be seen below in Figs. 1 and 4:

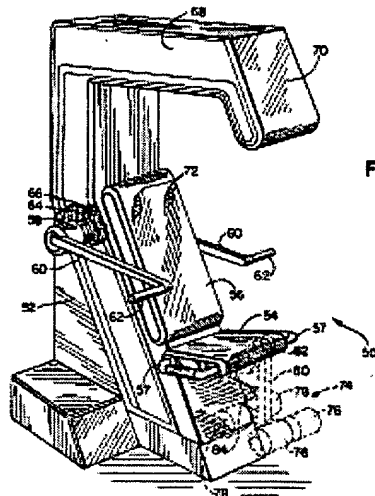


FIG. 1

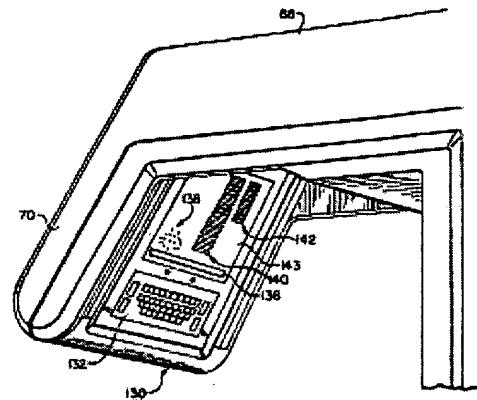


FIG. 4

While Dyer teaches the monitoring of a weight-lifting session, and vocal communications, he does not teach the use of a *scripted virtual personal trainer experience*. That is, Dyer does not script the exercise session and, as such, the vocal communications cannot predict or warn of impending changes to the exercise session. Furthermore, Dyer does not *automatically change the exercise experience* after providing a vocal or auditory warning of the impending change.

Since neither Macri or Dyer, either singly or in combination, include the combination of Applicant's exemplary claimed embodiments of independent claims 1, 15 and 18, Applicant respectfully submits that those claims, and the claims dependent thereupon are patentable over these references. Applicant respectfully requests that the rejections of the claims be withdrawn.

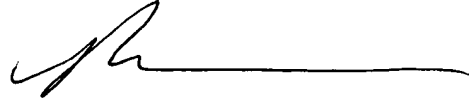
Applicant has reviewed the art made of record but not relied upon, and believes that the pending claims are patentable over these references as well.

Conclusion

All pending claims being patentable, the Examiner is respectfully requested to provide an early Notice of Allowance. If the Examiner has any questions or matters that can be expediently handled by telephone, he is encouraged to contact the undersigned at (650) 333-0180.

Date: 05/27/05

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'PH', followed by a horizontal line.

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